

By: Carona
(Miller of Comal)

S.B. No. 1387

A BILL TO BE ENTITLED

AN ACT

relating to water well drillers and pump installers; changing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1901.001, Occupations Code, is amended by adding Subdivision (13-a) and amending Subdivision (16) to read as follows:

(13-a) "Third-party inspector" means a qualified employee of a state agency with jurisdiction over wells, or a qualified employee of a groundwater conservation district, who assists the department with enforcement activities.

(16) "Well" means a water well, injection well, dewatering well, closed-loop geothermal well, or monitoring well.

SECTION 2. Subchapter B, Chapter 1901, Occupations Code, is amended by adding Section 1901.056 to read as follows:

Sec. 1901.056. REGIONAL WELL INSPECTION PROGRAM. (a) The commission by rule shall establish a regional well inspection program using third-party inspectors.

(b) Rules adopted under Subsection (a) shall establish:

(1) training requirements for a third-party inspector;

(2) registration procedures for a third-party inspector; and

(3) policies governing the acts of a third-party inspector in conducting an inspection or investigation.

1 SECTION 3. Section 1901.152, Occupations Code, is amended
2 to read as follows:

3 Sec. 1901.152. LICENSE APPLICATION[~~;~~ ~~EXAMINATION FEE~~].

4 [~~(a)~~] An applicant [~~application~~] for a license must submit to the
5 department [~~contain~~]:

6 (1) an application that includes:

7 (A) the applicant's name;

8 (B) [~~(2)~~] the applicant's business address;

9 (C) [~~(3)~~] the applicant's permanent mailing
10 address; and

11 (D) [~~(4)~~] any other relevant information
12 required by the department; and [~~;~~]

13 (2) [~~(b)~~ ~~An applicant must pay to the department~~] an
14 application [~~examination~~] fee [~~at the time the application is~~
15 ~~submitted~~].

16 SECTION 4. Subchapter D, Chapter 1901, Occupations Code, is
17 amended by adding Section 1901.153 to read as follows:

18 Sec. 1901.153. APPRENTICE DRILLER PROGRAM. The commission
19 by rule shall establish an apprentice driller program.

20 SECTION 5. Subsection (a), Section 1901.201, Occupations
21 Code, is amended to read as follows:

22 (a) The department shall offer examinations for a license
23 under this chapter [~~at least once each year~~].

24 SECTION 6. Subsection (a), Section 1901.251, Occupations
25 Code, is amended to read as follows:

26 (a) Each driller who drills, deepens, or otherwise alters a
27 [~~water~~] well in this state shall make and keep a legible and

1 accurate well log in accordance with rules adopted by the
2 commission and on forms prescribed by the executive director. The
3 well log shall be recorded at the time of drilling, deepening, or
4 otherwise altering the well and must contain:

5 (1) the depth, thickness, and character of the strata
6 penetrated;

7 (2) the location of water-bearing strata;

8 (3) the depth, size, and character of casing
9 installed; and

10 (4) any other information required by rules adopted by
11 the commission.

12 SECTION 7. Subchapter I, Chapter 1901, Occupations Code, is
13 amended by adding Section 1901.405 to read as follows:

14 Sec. 1901.405. THIRD-PARTY INSPECTORS; ENFORCEMENT. The
15 department may contract with a third-party inspector to assist in
16 the enforcement of this chapter or a rule adopted under this
17 chapter, including rules governing the performance of inspections
18 and the conduct of investigations.

19 SECTION 8. Section 1902.001, Occupations Code, is amended
20 by adding Subdivision (8-a) to read as follows:

21 (8-a) "Third-party inspector" means a qualified
22 employee of a state agency with jurisdiction over wells, or a
23 qualified employee of a groundwater conservation district, who
24 assists the department with enforcement activities.

25 SECTION 9. Section 1902.152, Occupations Code, is amended
26 to read as follows:

27 Sec. 1902.152. LICENSE APPLICATION[~~, EXAMINATION FEE~~].

1 ~~[(a)]~~ An applicant ~~[application]~~ for a license must submit to the
2 department ~~[contain]~~:

- 3 (1) an application that includes:
4 (A) the applicant's name;
5 (B) ~~[(2)]~~ the applicant's business address;
6 (C) ~~[(3)]~~ the applicant's permanent mailing
7 address; and
8 (D) ~~[(4)]~~ any other information required by the
9 department; and~~[.]~~

10 (2) ~~[(b) An applicant must pay to the department]~~ an
11 application ~~[examination]~~ fee ~~[at the time the application is~~
12 ~~submitted]~~.

13 SECTION 10. Subchapter D, Chapter 1902, Occupations Code,
14 is amended by adding Section 1902.153 to read as follows:

15 Sec. 1902.153. APPRENTICE PUMP INSTALLER PROGRAM. The
16 commission by rule shall establish an apprentice pump installer
17 program.

18 SECTION 11. Subsection (a), Section 1902.201, Occupations
19 Code, is amended to read as follows:

20 (a) The department shall offer examinations for a license
21 under this chapter ~~[at least once each month]~~.

22 SECTION 12. Subchapter I, Chapter 1902, Occupations Code,
23 is amended by adding Section 1902.405 to read as follows:

24 Sec. 1902.405 THIRD-PARTY INSPECTORS; ENFORCEMENT. The
25 department may contract with a third-party inspector to assist in
26 the enforcement of this chapter or a rule adopted under this
27 chapter, including rules governing the performance of inspections

1 and the conduct of investigations.

2 SECTION 13. The following provisions of the Occupations
3 Code are repealed:

4 (1) Subsection (b), Section 1901.201; and

5 (2) Subsection (b), Section 1902.201.

6 SECTION 14. Not later than April 1, 2014, the Texas
7 Commission of Licensing and Regulation shall adopt rules to
8 implement the changes in law made by this Act to Chapters 1901 and
9 1902, Occupations Code.

10 SECTION 15. This Act takes effect September 1, 2013.